

04 CAC 24D .0703 is proposed for adoption as follows:

**04 NCAC 24D .0703 LATE NOTICE OF TRANSFER**

(a) The following definitions shall apply in this Rule:

(1) A related transfer means as defined in G.S. 96-11.7(c).

(2) An “unrelated transfer” means transfers other than those defined in G.S. 96-11.7(c).

(b) A successor employer shall notify DES of an unrelated transfer within two years of the date that part of the organization, trade, or business was transferred in accordance with G.S. 96-11.7(b) and Rule 24D .0702. If a successor employer does not notify DES within two years of the date that part of the organization, trade, or business was transferred, and later requests a redetermination of its tax rate, DES shall not approve the transfer, and shall notify the employer in writing.

(c) A successor employer shall notify DES of a related transfer within 10 days of the date that part of the organization, trade, or business was transferred in accordance with G.S. 96-11.7(c) and pursuant to 04 NCAC 24D .0702. If a successor employer does not notify DES of a related transfer within 10 days of the date that part of the organization, trade, or business was transferred, and later requests a redetermination of its tax rate, DES shall recalculate the tax rate back to the date of acquisition, or January 1 of the year in which it received notice of the transfer, whichever is later.

History Note: Authority G.S. 96-4; 96-10; 96-11.7;

Eff. August 1, 2020.